

RECEIVED  
CENTRAL FAX CENTER

001

NOV 04 2004

## SMITH, GAMBRELL &amp; RUSSELL, LLP

## WASHINGTON, D.C. OFFICE

SUITE 600  
1050 M STREET, N.W.  
WASHINGTON, D.C. 20038  
TELEPHONE  
(202) 203-4300  
FACSIMILE  
(202) 203-4328

ATTORNEYS AT LAW  
SUITE 3100, PROMENADE II  
1230 PEACHTREE STREET, N.E.

ATLANTA, GEORGIA 30308-3592

TELEPHONE (404) 815-3500  
FACSIMILE (404) 815-3509  
WEBSITE www.sgrlaw.com

ESTABLISHED 1893

## FLORIDA OFFICE

SUITE 2800, BANK OF AMERICA TOWER  
50 NORTH LAURA STREET  
JACKSONVILLE, FL 32202  
TELEPHONE  
(904) 508-8100  
FACSIMILE  
(904) 508-8300

**TELECOPY COVER SHEET**

DATE: November 4, 2004

Send To:	At (Firm/Company):	Telecopy:	Phone:
Susan C. Alimenti, Art Unit 3644	U.S. PTO - Mail Stop AF	(703) 872-9306	(703) 306-0360

From: Eric J. Hanson, Esq. (693)      Telecopy: (404) 685-7008      Phone: (404) 815-3706      Client/Matter: 040292.003 / 9737      Number of Pages: 9

OPERATOR: \_\_\_\_\_ TIME COMPLETED: \_\_\_\_\_  
PLEASE CALL (404) 815-3500 IF YOU HAVE ANY PROBLEMS

## MESSAGE:

Appl. No.: 10/642,389  
Filing Date: 08/15/2003  
Inventor(s): FRALEIGH, Jay  
TC/A.U.: 3644  
Examiner: ALIMENTI, Susan C.  
Atty. Dkt. No.: 040292.003

Please see attached Amendment.

BEST AVAILABLE COPY

## CONFIDENTIALITY NOTE:

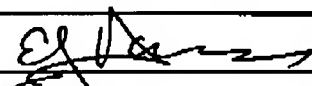
The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. Thank you.

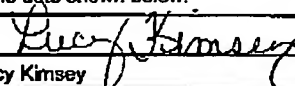
PTO/SB/21 (09-04)  
 Approved for use through 07/31/2005. OMB 0651-0031  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/642,389
		Filing Date	08/15/2003
		First Named Inventor	FRALEIGH, Jay
		Art Unit	3844
		Examiner Name	ALIMENTI, Susan C.
Total Number of Pages in This Submission	8	Attorney Docket Number	040292.003

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Smith, Gambrell & Russell, LLP		
Signature			
Printed Name	Eric J. Hanson		
Date	November 4, 2004	Reg. No.	44,736

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Lucy Kimsey	Date	November 4, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

003

NOV 04 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/642,389 Conf. No. 9489  
Applicant: Jay FRALEIGH  
Filed: August 15, 2003  
T.C./A.U.: 3644  
Examiner: Ms. Susan C. Allmentl

Docket No.: 040292.003  
Customer No.: 25461

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Sir:

In response to the Final Office Action mailed October 21, 2004 please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**